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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,513	01/23/2006	Koichi Emura	P29178	2956
52123 7590 09/25/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER NGUYEN, PHU K	
			ART UNIT 2628	PAPER NUMBER
			NOTIFICATION DATE 09/25/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,513	<b>Applicant(s)</b> EMURA ET AL.	
	<b>Examiner</b> Phu K. Nguyen	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**PHU K. NGUYEN**  
**PRIMARY EXAMINER**  
**GROUP 2300**

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

In review of Applicant's Information Disclosure Statement filed August 9, 2006, it is noted that Applicant does not include a 1449 form. Applicant is requested to provide a PTO-1449 form listing the cited documents for Examiner to consider.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOJIMA (6,633,293).

As per claim 1, Kojima teaches the claimed "moving picture creation apparatus" comprising: "a structure analysis section that receives a structured scenario description describing information related to objects and rendering, and extracts the information related to the objects and the rendering from the structured scenario description" (Kojima, image managing section 215); "a moving picture component search section that extracts moving picture components corresponding to the extracted objects" (Kojima, scenario managing section 211); and "a moving picture configuration section that extracts a rendering setup corresponding to the extracted information related to rendering, and creates a moving picture configuration description using the rendering setup extracted for the moving picture components corresponding to the objects" (Kojima, column 7, lines 34-60).

Claim 2 adds into claim 1 "a rendering knowledge base that stores rendering templates which associate information related to rendering with the rendering setup corresponding to the information related to rendering, wherein said moving picture configuration section extracts a rendering setup corresponding to the information related to rendering extracted from said rendering knowledge base" (Kojima, command analyzing section 213).

Claim 3 adds into claim 1 "the information related to rendering comprises information related to a director name, touch or genre, and the rendering setup comprises a rendering setup corresponding to the director name, touch or genre" (Kojima, column 8, lines 20-37).

Claim 4 adds into claim 1 "the information related to rendering comprises a description related to at least one of positions of objects, actions and picture taking method, and the rendering setup comprises a rendering setup corresponding to the actions " (Kojima, column 8, lines 38-55).

Claim 5 adds into claim 1 "the structured scenario is a structured description of the information related to the objects and the rendering" (Kojima, column 9, lines 4-19).

Claim 6 adds into claim 1 "a moving picture play section that generates a moving picture from the moving picture configuration description; a display section that displays

the moving picture; and an operation section that enters information that changes the rendering setup for the moving picture displayed” (Kojima, column 9, lines 4-56).

Claim 7 adds into claim 1 “a moving picture play section that generates a moving picture from the moving picture configuration description; a display section that displays the moving picture; and an operation section that enters information that changes the moving picture components used for the moving picture displayed” (Kojima, column 9, lines 4-56).


Claim 8 claims a method based on the apparatus of claim 1, therefore, it is rejected under the same reason.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phu K. Nguyen  
September 14, 2007

  
PHU K. NGUYEN  
PRIMARY EXAMINER  
GROUP 2300